

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 FRANCISCO VIDAL,

4 Plaintiff

Case No. 2:20-cv-00044-KJD-BNW

**ORDER**

5 v.

6 SGT. VANDIKE, *et al.*,

7 Defendants  
8

9 **I. DISCUSSION**

10 On January 7, 2020, Plaintiff, an inmate in the custody of the Nevada Department  
11 of Corrections ("NDOC"), submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF  
12 No. 1-1). Plaintiff neither paid the full filing fee nor filed an application to proceed *in forma*  
13 *pauperis*. On January 13, 2020, this Court issued an order directing Plaintiff to file a fully  
14 complete application to proceed *in forma pauperis* or pay the full filing fee within 30 days  
15 from the date of that order. (ECF No. 2). On February 22, 2020, Plaintiff subsequently  
16 filed an application to proceed *in forma pauperis* and submitted a financial certificate  
17 dated July 25, 2019 and an inmate account statement for the period of July 3, 2019 to  
18 July 24, 2019. (ECF No. 3).

19 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an  
20 application to proceed *in forma pauperis* and attach both an inmate account statement  
21 for the past six months and a properly executed financial certificate. Plaintiff has not  
22 submitted current financial documents with his application to proceed *in forma pauperis*.  
23 As such, Plaintiff's application at ECF No. 3 is incomplete.

24 Plaintiff is an experienced litigator in this Court and knows how to correctly file an  
25 application to proceed *in forma pauperis* with this Court. Plaintiff will be granted one final  
26 opportunity to cure the deficiencies of his application to proceed *in forma pauperis* by  
27 filing a current and properly executed financial certificate and an inmate account  
28 statement for the past six months or in the alternative, pay the full \$400 filing fee for this

1 action. If Plaintiff fails to file a current and properly executed financial certificate and an  
2 inmate account statement for the past six months the Court will dismiss the case in its  
3 entirety, without prejudice, to file a new case when Plaintiff is able to acquire the  
4 necessary documents to file a current and complete application to proceed *in forma*  
5 *pauperis*. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not  
6 file it until the matter of the payment of the filing fee is resolved.

7 **II. CONCLUSION**

8 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed  
9 in forma pauperis (ECF No. 3) is denied without prejudice to file a new application with  
10 current financial documents.

11 IT IS FURTHER ORDERED that the Clerk of the Court WILL SEND Plaintiff the  
12 approved form application to proceed *in forma pauperis* by a prisoner, as well as the  
13 document entitled information and instructions for filing an *in forma pauperis* application.

14 IT IS FURTHER ORDERED that within **sixty (60) days** from the date of this order,  
15 Plaintiff will either: (1) file a fully complete application to proceed *in forma pauperis*, on  
16 the correct form with current and complete financial attachments in compliance with 28  
17 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the  
18 \$350 filing fee and the \$50 administrative fee).

19 IT IS FURTHER ORDERED that, if Plaintiff fails to timely file a fully complete  
20 application to proceed *in forma pauperis*, on the correct form with current and complete  
21 financial attachments, the Court will dismiss the case, without prejudice, for Plaintiff to file  
22 a new case when he is able to acquire the necessary documents to file a complete  
23 application to proceed *in forma pauperis*.

24 DATED: February 19, 2020

25   
26 UNITED STATES MAGISTRATE JUDGE  
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